

REMARKS

Claims 1, 2, 5-8, 11-19, and 21-28 are now pending in the application. By this Paper, Claims 1 and 11 have been amended and Claims 24-28 have been added. The basis for the foregoing amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 11-19 and 21-23 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. These rejections are respectfully traversed.

Applicants respectfully submit that the foregoing amendments to Claim 11 render these rejections moot. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, and 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweigert et al. (U.S. Pub. No. 2003/0127418) in view of Spatz et al. (U.S. Pat. No. 5,660,289). These rejections are respectfully traversed.

Applicants respectfully submit that the cited art of record fails to teach or suggest a capping system for a container including a sealing cap, a jacket, and a guarantee connected to the jacket, whereby the guarantee includes a substantially constant outer surface and an area of reduced wall thickness.

Schweigert discloses a tamper evident closure (10) including a cap (12) and a tamper evident band (14). See Schweigert at Paragraph [0019] and Figure 1. The tamper evident band includes expansion segments (30) connected to and disposed between container engaging segments (26). See Schweigert at Paragraph [0020] and Figure 1. The expansion segments (30) each include a tapered and raised exterior face (31) that extends from a perimeter of the engaging segments (26) of the band (14). See Schweigert at Paragraph [0020] and Figure 1.

The Examiner asserts that the expansion segments (30) of Schweigert are akin to the “area of reduced wall thickness” recited by Claim 1. See the Office Action mailed January 20, 2011, at Page 2. Applicants note that while the expansion segments (30) appear to provide the tamper evident band (14) of Schweigert with a recessed portion, Applicants note that the recessed portion is not created by an area of reduced wall thickness but, rather, is created by locally expanding the wall of the tamper evident band (14) in the area of the expansion segments (30) such that the expansion segments (30) extend from the engaging segments (26) of the band (14). See Schweigert at Figure 1. Therefore, the expansion segments (30) do not include a reduced wall thickness but, rather, appear to include the same wall thickness or, as illustrated in Figure 1, an increased wall thickness that is simply shifted outwardly to provide a recess.

In addition to the foregoing, Applicants note that the tamper evident band (14) does not include a substantially constant outer surface. Rather, the expansion segments (30) are specifically described and shown as including a raised exterior face (31) that extends from a perimeter of the band (14) to provide discontinuity between the container engaging segments (26) and the expansion segments (30). See Schweigert at Paragraphs [0020] and [0022] and Figure 1.

In light of the foregoing, Applicants respectfully submit that independent Claim 1, as well as Claims 2 and 5-8, dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

NEW CLAIMS

New Claims 24-28 are added for consideration. Because Claims 24-28 respectfully depend from independent Claims 1 and 11, which are believed to be in condition for allowance in light of the foregoing remarks, Applicants respectfully submit that Claims 24-28 are likewise in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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